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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,151	01/14/2002	Aaron Hal Dinwiddie	RCA 89642	6303
7590 05/15/2007 Joseph S Tripoli Thomson Multimedia Licensing Inc PO Box 5312 Princeton, NJ 08543-5312			EXAMINER YIMAM, HARUN M	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/031,151

Applicant(s)

DINWIDDIE ET AL.

Examiner

Harun M. Yimam

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed 03/02/07 with respect to claims 1 – 20 have been fully considered but are moot in view of the new grounds of rejection. Although a new grounds of rejection has been used to address additional limitations that have been added to **claims 1, 5, 10, 12 and 17**, a response is considered necessary for several of applicant's arguments since applicants make arguments that need to be addressed and also since references Knowles (US 2003/0079227), Kim (US 6,519,412) and Schaffner (US 6,104,908) will continue to be used to meet several claimed limitations.

2. In response to applicants' argument (page 7, 2nd paragraph) that Knowles does not disclose or suggest passwords for accessing multiple programming providers, applicants should note that Knowles explicitly discloses a hierarchy of multiple passwords to access multiple IPGs, which is a multi-source i.e., multiple MPEG streams are delivered to multiple TV sets throughout the house, with each stream (or "source") modulated to a different channel (see paragraphs 0069 and 0072). Furthermore, Knowles discloses that the multiple IPG system provides independent instances of the IPG, one for each source and that each IPG includes data unique to that specific IPG (paragraph 0069, lines 5-10).

3. In response to applicants' argument (page 7, 2nd paragraph) that different channels are not different "programming providers", applicants should once again note that Knowles explicitly discloses that multiple MPEG streams are delivered to multiple TV sets throughout the house, with each stream (or "source") modulated to a different channel (see paragraphs 0069 and 0072). Some of the channels may be just local channels i.e., in case of a UHF receiver for example (paragraph 0053, lines 1-10), which receives terrestrially broadcast television signals, and the others may be extended channels modulated from satellite broadcast television signals originating from satellite providers (paragraph 0103, lines 1-6). It is clear that since each source is modulated to a different channel, the programs of said different channels are from different programming providers.

4. In response to applicants' argument (page 7, 2nd paragraph) that the "programming providers" are provided by a same network operator (MSO) and therefore are NOT *different* "programming providers", applicants should note that Knowles explicitly discloses that a data center headend receives updated program information from **multiple data sources** and that the data from the various sources is merged at the data center headend in preparation to be sent to the network operators (paragraph 0050). Therefore, since the network operator (MSO) gets its program information from **multiple data sources**, the "programming providers" discussed above are *different* "programming providers".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 - 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles (US 2003/0079227) in view of Kim (US 6,519,412).

Considering claim 1, Knowles discloses an apparatus for integrating passwords for accessing programming (paragraph 0073, lines 1-12) from multiple programming providers (see LOCL 701 and HBO2 201 in figure 3), the apparatus comprising:

a memory (paragraph 0072, lines 11-12) for storing a first password (password for a young child—paragraph 0072, lines 1-5) associated with a first programming provider (an IPG that is particular to a **first programming provider**—paragraph 0071, line 1 - paragraph 0074, line 9. For example, the young child can access LOCL 701 but not HBO2 201) that delivers programming to the apparatus via a first transmission media (Some of the channels may be just local channels (see LOCL 701 in figure 3) i.e., in case of a UHF receiver for example (paragraph 0053, lines 1-10), which receives **terrestrially broadcast television signals**);

temporary memory (7 in figure 1B shows memory to temporarily store input data, i.e. password—paragraph 0072, lines 11-12 and paragraph 0077, lines 7-12) for temporarily storing said first password; and

means for replacing said first password in said temporary storage with said second password to enable said apparatus to allow access to programming from said first and second programming providers (LOCL 701 **and** HBO. The said means is a **microprocessor (10 in figure 1B)** that associates the user profile information with the password stored in memory to determine the level of access control for that particular user—paragraph 0072, lines 5-16. Therefore, when the parents enter their master password and the access level is at its highest, they have access to programming from said first and second programming providers without the need to enter their child's password limited to a particular programming provider—paragraph 0071, line 1 - paragraph 0074, line 9).

Knowles further discloses a memory (paragraph 0072, lines 11-12) for storing a second password (older teenager's password—paragraph 0072, lines 1-4) associated with a second programming provider (an IPG that is specific to a **second programming, i.e., HBO**—paragraph 0073, line 1 - paragraph 0074, line 9) that delivers programming to the apparatus via a second transmission media distinct from the first transmission media (the other channels may be extended channels (see HBO 2 201 and HBO3 202 in figure 3) modulated from **satellite broadcast television signals** originating from **satellite providers** (paragraph 0103, lines 1-6)).

However, Knowles fails to explicitly disclose a removable memory for storing said second password.

In analogous art, Kim discloses a removable memory (i.e. a smart card) for storing password data for viewing restriction purposes (column 4, lines 42-61 and column 6, lines 26-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knowles' system to include a removable memory, as taught by Kim, for the benefit of avoiding the need for a "password input menu" by using a removable memory (i.e. a smart card) that has the password data therein, so as to input the password data by a card reader (column 7, lines 57-62).

Claim 2 is met by the combination Knowles and Kim. In particular, Knowles discloses that the first and second password each comprise a master password (There is a master password that can override both the said first and second passwords for every user associated with each IPG—paragraph 0071, line 1 - paragraph 0072, line 12).

Claim 3 is met by the combination of Knowles and Kim. In particular, Knowles discloses that the first and second password each further comprises a sub-profile password (paragraph 0072, lines 1-16).

Claim 4 is met by the combination Knowles and Kim. In particular, Kim discloses that the said removable memory is a smart card (column 6, lines 26-47).

Claim 6 is met by the combination Knowles and Kim. In particular, Knowles discloses that the first and second password each comprise a master password (There is a master password that can override both the said first and second passwords for every user associated with each IPG—paragraph 0071, line 1 - paragraph 0072, line 12).

Claim 7 is met by the combination of Knowles and Kim. In particular, Knowles discloses that the first and second password each further comprises a sub-profile password (paragraph 0072, lines 1-16).

7. Claims 5, 8, 9 and 12 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6,519,412) in view of Knowles (US 2003/0079227).

Considering claim 5, Kim discloses determining whether an access card is coupled to an integrated television system (column 6, lines 26-67); if said access card is coupled to the integrated television system,

processing a first password (input password data) received from said access card to access programming; and

Art Unit: 2623

if said access card is not coupled to the integrated television system, processing a second password (preset password data) to access at least some of the programming delivered to the integrated television system via at least one of the transmission media and precludes access to programming delivered to the integrated television system via at least one other of the transmission media (column 6, lines 26-67 and column 7, line 11 – column 8, line 11).

Kim fails to disclose that the multiple programming providers deliver the programming via different transmission media.

In analogous art, Knowles discloses that the programming is accessed from first (see LOCL 701 in figure 3) and second (see HBO2 201 in figure 3) programming providers (**terrestrially broadcast television signals** and **satellite broadcast television signals** originating from **satellite providers** as mentioned in the rejection of claim 1 above).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim' system to include accessing programming from multiple programming providers, as taught by Knowles, for the benefit of easily distinguishing the access level of programming for a user with a particular programming provider (paragraph 0071, line 1 – paragraph 0074, line 9).

Claim 8 is met by the combination Knowles and Kim. In particular, Knowles discloses writing said second password (child's password with limited access level) to temporary storage for use when a first password (master password) is not received; and overwriting said second password in temporary storage with said first password when said first password is received (The passwords are stored in their respective memory location and when the master password is received, it overrides the other passwords so as to acquire the highest access level—paragraph 0072, lines 1-16 and paragraph 0104, line 5 – paragraph 0105, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knowles' system to include an access card associated with the first password, as taught by Kim, for the benefit of avoiding the need for a "password input menu" by using an access card (i.e. a smart card) that has the password data therein, so as to input the password data by a card reader (Kim—column 7, lines 57-62).

Claim 9 is met by the combination of Kim and Knowles. In particular, Kim discloses validating said access card before using said first password (column 1, lines 53-60 and column 6, lines 42-47).

Considering claim 12, it is rejected for the same reasons as claims 1 and 5.

Claim 13 is met by the combination of Knowles and Kim. In particular, Knowles discloses that the first and second password each comprise a master password (There is a master password that can override both the said first and second passwords for every user associated with each IPG—paragraph 0071, line 1 – paragraph 0072, line 12).

Claim 14 is met by the combination of Knowles and Kim. In particular, Knowles discloses that the first and second password each further comprises a sub-profile password (paragraph 0072, lines 1-16).

Claim 15 is met by the combination of Kim and Knowles. In particular, Kim discloses that the access card comprises a smart card (Kim—column 6, lines 26-47).

Claims 16 and 17 are met by the combination of Knowles and Kim. In particular, Knowles discloses that the programming associated with the first and second programming providers are received via different types of transmission media. (Some of the channels may be just local channels (see LOCL 701 in figure 3) i.e., in case of a UHF receiver for example (paragraph 0053, lines 1-10), which receives terrestrially broadcast television signals, and the others may be extended channels (see HBO 2 201 and HBO3 202 in figure 3) modulated from satellite broadcast television signals originating from satellite providers (paragraph 0103, lines 1-6).

Claims 18-20 are rejected in the same manner as claims 1, 5 and 12 above.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles (US 2003/0079227) in view of Kim (US 6,519,412), as applied to claims 1 and 5 above, and further in view of Schaffner (US 6,104,908).

Considering claims 10 and 11, Knowles and Kim disclose that the programming is accessed from first (Knowles—see LOCL 701 in figure 3) and second (Knowles—see HBO2 201 in figure 3) programming providers via the first and second transmission medias respectively (see the rejection of claim 1 above).

Knowles and Kim fail to disclose an antenna for receiving signals from the programming providers.

In analogous art, Schaffner discloses a first antenna (a satellite signal receiving antenna—16 in figure 1) for receiving signals from a first programming provider (a satellite broadcast—column 2, lines 30-32 and column 3, lines 31-35); and a second antenna (VHF/UHF antenna—18 in figure 1) for receiving signals from the second programming provider (terrestrially (wire-based) broadcast—column 2, lines 32-36 and column 3, lines 35-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Knowles and Kim to include a first and second antennas, as taught by Schaffner, for the benefit of receiving broadcast television signals from diverse program providers (Schaffner—column 3, lines 31-37).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER